



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Anu Natarajan, Vice Mayor
Bob Wieckowski
Bill Harrison
Suzanne Lee Chan

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk
Harriet Commons, Finance Director
Marilyn Crane, Information Technology Svcs. Dir.
Daren Fields, Economic Dev. Director
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Michael Rich, Human Resources Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

The City Council Agendas may be accessed by computer at the following Worldwide Web Address: www.fremont.gov

Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
APRIL 28, 2009
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes for the Regular Meeting of October 7, 2008, the Regular Meeting and Work Session of October 21, 2008, the Regular Meeting of December 2, 2008, the Special and Regular Meetings of April 7, 2009, and the Regular Meeting of April 14, 2009.*
- 2.3 **AUTHORIZATION TO SET THE FEE FOR SERVICE FOR PROVIDING FINGERPRINTING SERVICES TO THE PUBLIC**
Request Authorization to Set a \$21 Fee for Offering Fingerprinting Services to the Public at the Fremont Detention Facility

Contact Person:

Name:	<i>Tony Duckworth</i>	<i>Richard Lucero</i>
Title:	<i>Police Sergeant</i>	<i>Police Captain</i>
Dept.:	<i>Police</i>	<i>Police</i>
Phone:	<i>510-790-6705</i>	<i>510-790-6818</i>
E-Mail:	<i>tduckworth@fremont.gov</i>	<i>rlucero@fremont.gov</i>

RECOMMENDATION: Adopt a resolution amending the Master Fee Schedule by establishing a fee of \$21 for fingerprinting and furnishing of criminal background information, plus collection of pass-through charges, as set forth in this report.

2.4 APPROVAL OF PLANS AND SPECIFICATIONS, FUND APPROPRIATIONS, AND AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE FIRE DEPARTMENT TACTICAL TRAINING CENTER

Approval of Plans and Specifications, Fund Appropriations, and Award of Contract for the New Construction of Fire Department Tactical Training Center (City Project No. 8557), APN # 531-0165-034-03

Contact Person:

<i>Name:</i>	<i>Michael Ma</i>	<i>Robert Kalkbrenner</i>
<i>Title:</i>	<i>Project Manager</i>	<i>Civic Facilities Development Manager</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4750</i>	<i>510-494-4428</i>
<i>E-Mail:</i>	<i>mma@fremont.gov</i>	<i>rkalkbrenner@fremont.gov</i>

RECOMMENDATIONS:

- 1. Approve Plans and Specifications for the new Fire Department Tactical Training Center, City Project No. 8557 (PWC)*
- 2. Appropriate \$5,465,027 in Fire Safety Bond funds from Fund 213 to PWC 8557.*
- 3. Award a contract for the construction for the new Fire Department Tactical Training Center, City Project No. 8557 (PWC), to Diede Construction, Inc., in the amount of \$3,833,948; and authorize the City Manager, or designee, to execute the contract.*

2.5 APPRAISAL CONTRACT SERVICES AGREEMENT AMENDMENT WITH HULBERG AND ASSOCIATES—MISSION/WARREN/TRUCK- RAIL PROGRAM

Appraisal Contract Services Agreement Amendment with Hulberg and Associates—Mission/Warren/Truck- Rail Program

Contact Person:

<i>Name:</i>	<i>Randy Sabado</i>	<i>Jim Pierson</i>
<i>Title:</i>	<i>Real Property Manager</i>	<i>Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Transportation & Operations</i>
<i>Phone:</i>	<i>510-494-4715</i>	<i>510-494-4722</i>
<i>E-Mail:</i>	<i>rsabado@fremont.gov</i>	<i>jpierson@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager, or his designee, to approve and execute a Contract Amendment for \$75,000, for a total amount of the contract not to exceed \$150,000, with Hulberg and Associates, Inc., for services related to the MWT Program.

2.6 ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY MEDI-CAL ADMINISTRATIVE ACTIVITIES MOU

Authorize the City Manager to Execute a Memorandum of Understanding with the Alameda County Health Care Services Agency for Fremont Human Services FY 2008/09 Medi-Cal Administrative Activities

Contact Person:

<i>Name:</i>	<i>Arquimides Caldera</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>Deputy Director</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2056</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>acaldera@fremont.gov</i>	<i>sshenfil@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager or his designee to execute a Memorandum of Understanding with the Alameda County Health Care Services Agency, to enable the City's Human Services Department to receive FY 2008/09 reimbursement of funds through Alameda County's Medi-Cal Administrative Activities Program.

- 2.7 RIGHT-OF-WAY ACQUISITION AND UTILITY RELOCATION AGREEMENT FOR I-880/MISSION BOULEVARD INTERCHANGE PROJECT COMPLETION**
Approval of a Cost Sharing Agreement with the Santa Clara Valley Transportation Authority (VTA) and the Alameda County Transportation Authority (ACTA) for Right-of-Way Acquisition and Utility Relocation for the I-880/Mission Boulevard Interchange Project Completion Phases

Contact Person:

<i>Name:</i>	<i>Jim Pierson</i>
<i>Title:</i>	<i>Director</i>
<i>Dept.:</i>	<i>Transportation & Operations</i>
<i>Phone:</i>	<i>510-494-4722</i>
<i>E-Mail:</i>	<i>jpierson@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager or his designee to execute a Right-of-Way Acquisition and Utility Relocation Cost Sharing Agreement with VTA and ACTA for the MWT Program as described herein, and further authorize the City Manager or designee to amend the Agreement in the future to increase VTA's share of the funding.

- 2.8 FOREIGN TRADE ZONE**
Informational Report on Foreign Trade Zone and Subzone Program and Benefits

Contact Person:

<i>Name:</i>	<i>Angela Tsui</i>	<i>Daren Fields</i>
<i>Title:</i>	<i>Coordinator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Economic Development</i>	<i>Economic Development</i>
<i>Phone:</i>	<i>510-284-4020</i>	<i>510-284-4020</i>
<i>E-Mail:</i>	<i>atsui@fremont.gov</i>	<i>dfields@fremont.gov</i>

RECOMMENDATIONS: No recommendation; however, staff will begin to strategically promote the benefits of Foreign Trade Subzones to eligible businesses and, as a pilot program, over the next two years the Office of Economic Development will reserve funds in its annual operating budget to cover the Subzone application fee (up to \$6,500 per year) for one business per year as an incentive for eligible companies to explore becoming a Foreign Trade Subzone.

2.9 *CONTRACT AWARD – PHASE 3 ROOFING OF SEVEN STRUCTURES IN CENTRAL PARK*

Approval of Plans and Specifications and Award of Contract for Phase 3 Roofing of Seven Structures in Central Park Building Structures, City Project No. PWC 8393

Contact Person:

<i>Name:</i>	<i>Ronnie Fong, P.E.</i>	<i>Rob Kalkbrenner</i>
<i>Title:</i>	<i>Senior Civil Engineer</i>	<i>Civic Facilities Manager</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4778</i>	<i>510-494-4428</i>
<i>E-Mail:</i>	<i>rfong@fremont.gov</i>	<i>rkalkbrenner@fremont.gov</i>

RECOMMENDATIONS:

- 1. Approve the plans and specifications;*
- 2. Award a \$117,399.20 contract for Phase 3 Roofing Central Park, City Project No. 8393 (PWC), to DuBois Roofing, Inc., and authorize the City Manager or designee to execute the agreement.*

2.10 *AMENDMENT TO PATTERSON RANCH EIR SERVICE AGREEMENT (PLN2005-00186)*

Request for Authorization to Amend the Service Agreement with CirclePoint Consulting in Regards to Preparation of the Environmental Impact Report for the Patterson Ranch Development Project.

Contact Person:

<i>Name:</i>	<i>Scott Ruhland</i>	<i>Jill Keimach</i>
<i>Title:</i>	<i>Associate Planner</i>	<i>Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4453</i>	<i>510-494-4767</i>
<i>E-Mail:</i>	<i>sruhland@fremont.gov</i>	<i>keimach@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager, or his designee, to amend the service agreement with CirclePoint to include an additional amount not-to-exceed \$125,000 to finish preparation of the Environmental Impact Report for the Patterson Ranch development project.

2.11 *AMENDMENTS TO PLACES OF ENTERTAINMENT REGULATIONS*

Introduction of an Ordinance Making Clarifying Amendments and Minor Changes to the Regulations Governing Places of Entertainment

Contact Person:

<i>Name:</i>	<i>Scott Rennie</i>	<i>Tom Mikkelsen</i>
<i>Title:</i>	<i>Sr. Deputy City Attorney</i>	<i>Police Lieutenant</i>
<i>Dept.:</i>	<i>City Attorney's Office</i>	<i>Police Department</i>
<i>Phone:</i>	<i>510-284-4030</i>	<i>510-790-6800</i>
<i>E-Mail:</i>	<i>srennie@fremont.gov</i>	<i>tmikkelsen@fremont.gov</i>

RECOMMENDATIONS:

- 1. Hold public hearing.*
- 2. Find the project exempt from the California Environmental Quality Act under guideline 15061(b)(3) in that it can be seen with certainty it will not have a significant effect on the environment.*
- 3. Waive full reading and introduce the enclosed draft ordinance amending Fremont Municipal Code Title V, Chapter 14 "Places of Entertainment Regulations".*
- 4. Adopt a motion directing staff to prepare a summary of the ordinance and the City Clerk to post and publish the summary in accordance with Government Code Section 36933(c)(1).*

2.12 ADDING VIDEO EQUIPMENT TO THE POLICE MOTORCYCLES

Adding Video Equipment to the Police Motorcycle Fleet that is Compatible with our Existing Infrastructure

Contact Person:

<i>Name:</i>	<i>Mark Riggs #1992</i>	<i>Frank Grgurina</i>
<i>Title:</i>	<i>Police Lieutenant/Project Manager</i>	<i>Captain/Patrol Division Command</i>
<i>Dept.:</i>	<i>Police Department</i>	<i>Police Department</i>
<i>Phone:</i>	<i>510-790-6913</i>	<i>510-790-6911</i>
<i>E-Mail:</i>	<i>mriggs@fremont.gov</i>	<i>grgurina@fremont.gov</i>

RECOMMENDATION: Staff recommends the Council award the contract to the International Police Technologies and authorize the City Manager or designee to sign the contract to make this purchase using the designated funds.

3. CEREMONIAL ITEMS

- 3.1 YMCA Kid City Project Presentation
- 3.2 Proclamation: Census 2010
- 3.3 Resolution: Kiwanis Ducks\$ for Bucks
- 3.4 Proclamation: Bike to Work Day
- 3.5 Resolution: Honoring the Fremont Family Resource Center's 10th Anniversary
- 3.6 Resolution: Honoring Community Services Officer Donna Madrid for Twenty Years of Service

4. PUBLIC COMMUNICATIONS

- 4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. See separate agenda (yellow paper).

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS

5.1 APPEAL FROM DENIAL OF HAZE SMOKE SHOP CONDITIONAL USE PERMIT – 40675 GRIMMER BLVD.

Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Decision to Deny a Conditional Use Permit to Allow a Head Shop to Occupy a Vacant 2,400 Square Foot Commercial Building in the Irvington Planning Area (PLN2009-00131)

Contact Person:

Name:	Steve Kowalski	Jeff Schwob
Title:	Associate Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4532	510-494-4527
E-Mail:	skowalski@fremont.gov	jschwob@fremont.gov

RECOMMENDATIONS:

1. Hold public hearing;
2. Find that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline 15301 which exempts projects involving the leasing of an existing facility by a use that is consistent with the current zoning and General Plan land use designation of the site; and either:
 - 3a. Grant the appeal and approve the project based on the findings and subject to the conditions of approval contained in Exhibit “B”;
 - Or
 - 3b. Deny the appeal and direct staff to prepare findings for denial and return to the Council with said findings.

5.2 REVISIONS TO DESIGN GUIDELINES AND STANDARDS AND EXTENSION OF INTERIM ORDINANCE FOR ALTERATIONS AND CONSTRUCTION OF SINGLE-FAMILY HOMES IN GLENMOOR GARDENS AND MISSION RANCH (PLN2009-00072 & PLN2009-00073)

Public Hearing (Published Notice) to Consider Extending for Eighteen Months the Interim Zoning Ordinance Adopted Pursuant to Government Code Section 65858 with the Adoption of Interim Design Guidelines and Standards for All Alterations and Construction of Single-Family Homes in Glenmoor Gardens and Mission Ranch

Contact Person:

Name:	Momo Ishijima	Jeff Schwob
Title:	Associate Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4531	510-494-4427
E-Mail:	mishijima@fremont.gov	jschwob@fremont.gov

RECOMMENDATIONS:

1. Hold public hearing.
2. Find the project is exempt from the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment under CEQA Guideline 15061(b)(3).
3. Find the current and immediate threat to the public health, safety, or welfare if the ordinance is not adopted and that the approval of additional building permits without restrictions would result in incompatible homes to continue to be constructed and impair the City's ability to address community concerns related to negative neighborhood impacts.
4. Waive full reading and adopt an ordinance extending the interim zoning to October 6, 2010.
5. Approve interim design guidelines and standards (as set forth in Exhibits B & C) for all alterations and construction of single-family homes in Glenmoor Gardens and Mission Ranch to as identified in Attachments 1 and 2 respectively.

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



***2.3 AUTHORIZATION TO SET THE FEE FOR SERVICE FOR PROVIDING FINGERPRINTING SERVICES TO THE PUBLIC**

Request Authorization to Set a \$21 Fee for Offering Fingerprinting Services to the Public at the Fremont Detention Facility

Contact Person:

Name:	Tony Duckworth	Richard Lucero
Title:	Police Sergeant	Police Captain
Dept.:	Police	Police
Phone:	510-790-6705	510-790-6818
E-Mail:	tduckworth@fremont.gov	rlucero@fremont.gov

Executive Summary: The Police Department is prepared to offer fingerprinting service to the public and requests Council authorization to set the fee for this service. The Fremont Detention Facility can provide digital Livescan fingerprinting service for a \$21 fee to cover expenses.

BACKGROUND: Because of legislation passed in late 1997, the California Department of Justice (DOJ) developed an automated background check process that includes digital fingerprints (Livescan). This new technology enables fingerprints to be transmitted electronically. Prior to Livescan, fingerprints were rolled using ink and fingerprint cards. This process was time consuming as fingerprint cards were submitted by mail. Some were returned as “unusable” due to poor print quality and the processing time usually took six to eight weeks. Livescan technology cuts the processing time down to three to six days.

The Fremont Detention Facility was originally designed and slated to provide Livescan service to the public. A room located in the Detention Facility lobby was designated for the Livescan service operation and is currently vacant. Livescan equipment can be installed in this room at no added cost to the City because the equipment will be provided by the County. Prior to construction of the Fremont Detention Facility, an account was set up with the DOJ that enables the Fremont Police Department to provide Livescan service to the public. This account is active and used for fingerprinting new Police Department employees. Staff plans to offer fingerprinting services to the public based on specific appointment times.

The standard pass-through applicant background fees are \$32 for the California Department of Justice and \$19 for the FBI. Additional fees may apply, such as a Firearms Permit or Child Abuse Index fee, depending on the type of applicant, and whether the requesting agency has a billing number indicated on the Request for Livescan form. The Police Department will receive a monthly billing statement from the Department of Justice for the collected background fees. Along with the background check fees noted above, a fee can be collected, referred to as a “rolling fee.” Penal Code Section 13300(e) allows for a \$10 maximum fee for fingerprinting. In addition to this charge, the cost to furnish background information for certification or licensing purposes is recoverable by the City. Each individual Livescan provider sets the amount of this fee. Staff proposes that this fee be set at \$11.00. The total fee amount charged as the rolling fee, now referred to as the “Fingerprint Processing Fee,” is calculated to cover the City’s expense to fingerprint and provide information but not exceed the City’s cost of providing the service, and is retained by the City.

Research into local law enforcement agency fingerprinting services reveals the following:

City	Fingerprint Activity Daily Average	Fee	Comments
San Leandro	3	\$25.00	(\$35.00 for non-residents)
Pleasanton	3	\$25.00	
Fremont	est. 8	\$21.00	Proposed fee
Hayward	2 to 3	\$20.00	
Milpitas	1 to 4	\$10.00	
Dublin	1	\$10.00	
Modesto	18	\$10.00	
Newark			no fingerprinting service
Union City			no fingerprinting service
Livermore			no fingerprinting service

The estimate of eight Live Scan submissions a day for Fremont is based on a judgement related to the size of the population we serve and the number of regulated entities, including public education providers, present in the City. The views of a subject matter expert working in the Detention Center familiar with delivery of Live Scan services were also part of the basis for the estimate.

Financial Impact: The projected fee revenue based on eight fingerprint jobs a day, four days a week, is \$34,944. The projected expense to staff this function is \$29,549, and estimated materials costs are \$3,328 a year. The proposed fee recovers citywide overhead expenses. The number of fingerprint jobs completed determines the actual impact to the General Fund.

Fingerprinting Service Annual Estimate:

Projected Annual Revenue	\$ 34,944
Estimated Expense	(32,877)
Estimated Positive Net Impact on the General Fund (covers citywide overhead)	<u>\$ 2,067</u>

If approved, this item will be included in the Police Department's operating budget for FY 2009/10. Expenses incurred in FY 2008/09 will be absorbed in the existing Police Department budget.

ENCLOSURE: Draft Resolution

RECOMMENDATION: Adopt a resolution amending the Master Fee Schedule by establishing a fee of \$21 for fingerprinting and furnishing of criminal background information, plus collection of pass-through charges, as set forth in this report.

***2.4 APPROVAL OF PLANS AND SPECIFICATIONS, FUND APPROPRIATIONS, AND AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE FIRE DEPARTMENT TACTICAL TRAINING CENTER**

Approval of Plans and Specifications, Fund Appropriations, and Award of Contract for the New Construction of Fire Department Tactical Training Center (City Project No. 8557), APN # 531-0165-034-03

Contact Person:

Name:	Michael Ma	Robert Kalkbrenner
Title:	Project Manager	Civic Facilities Development Manager
Dept.:	Community Development	Community Development
Phone:	510-494-4750	510-494-4428
E-Mail:	mma@fremont.gov	rkalkbrenner@fremont.gov

Executive Summary: This report recommends the City Council approve the plans and specifications, appropriate \$5,465,027 in Fire Safety Bond funds from Fund 213, and award a construction contract in the amount of \$3,833,948 to Diede Construction, Inc., the lowest responsive and responsible bidder for the construction of the new Fire Department Tactical Training Center (City Project No. 8557, located at 7200 Stevenson Boulevard).

BACKGROUND: The original plan for this project as outlined in Measure R, the Fire Safety Bond, includes a combined public safety training center for Police and Fire Departments, utilizing a two-acre parcel located at 7200 Stevenson Boulevard. In 2006, the Interact Group was contracted, through WLC Architects, to develop a program for the training center. Based on the program, it became apparent that it would be difficult to accommodate the entire public safety training center on a single two-acre parcel of land. The Police and Fire Departments staff then worked to locate affordable suitable sites, adequate in size to accommodate the Police Department Firing Range, Fire Department Tactical Training Center and training classrooms. As a result, the Fire Department will build a stand alone Tactical Training Center at the Stevenson Boulevard two-acre site; the Police Department will build a gun range on the existing Police Department property (currently under construction); and the Fire administration offices and training classrooms will be located at Fremont City Hall, Building A.

PROJECT DESCRIPTION: This proposed project is to construct a new Fire Department Tactical Training Center, to be located at 7200 Stevenson Boulevard. The site is a two-acre parcel in the Industrial Planning Area. This training facility will consist of a one-story classroom building (approximately 3,800 s.f.) and a five-story training tower building (approximately 5,300 s.f.).

The primary function of the classroom facility will be used for in-service training programs related to field operations. It will also be used for classes for residents such as the Community Emergency Response Training (CERT), recruit academies, and occasional training with other agencies. The classroom building includes an office, a 32-person classroom, shower and locker rooms, and other support spaces.

The training tower is to provide both basic and advance firefighter and technical rescue training. The training tower includes an apparatus bay, simulation rooms, maze rooms, a burn room, and smoke

exercise rooms. The grounds at the site will be used for tactical maneuvers such as fire attack, search and rescue, technical rescue, hazardous material mitigation, etc. Other site work includes a concrete paved driveway and parking area, landscape, concrete masonry retaining wall fence, chain link fence, and other miscellaneous onsite and offsite works.

CONTRACT DURATION: The Contract Documents stipulate that the work is to be performed and substantially completed in 365 calendar days.

Discussion: The construction bid documents were advertised on March 4, 2009 and March 11, 2009, with an engineer's estimate of \$5,900,000. Twenty-two bids were received and opened on April 7, 2009. The bids ranged from \$3,833,948 to \$5,000,000. The bidders with their respective bid amounts are shown in Table A.

Table A

Contractor	Base Bid Total	Rank
Diede Construction, Inc.	\$3,833,948	1
GCCI, Inc.	\$3,883,511	2
Barry Swenson Builder	\$3,932,910	3
Applegate Johnston, Inc.	\$3,985,078	4
D.L. Falk Construction	\$4,114,701	5
Alten Construction	\$4,133,405	6
Zovich Construction	\$4,164,000	7
Gonsalves & Stronck	\$4,186,089	8
Brown Construction	\$4,190,000	9
W.L. Butler Construction	\$4,258,472	10
ZCON Builders	\$4,299,634	11
Lyncon Construction	\$4,307,892	12
Svala Construction (SCI)	\$4,320,000	13
Page Construction	\$4,336,737	14
Moorefield Construction	\$4,387,107	15
San Jose Construction Co., Inc.	\$4,417,042	16
Sausal Corporation	\$4,522,572	17
BCCI Construction	\$4,565,791	18
Aztec Consultants	\$4,817,038	19
Younger General Contractors, Inc.	\$4,921,000	20
Kuehne Construction	\$4,980,135	21
Zolman Construction & Develop.	\$5,000,000	22

The lowest responsible bidder, Diede Construction, Inc., submitted a responsive base bid in the amount of \$3,833,948 and all required documentation. The total contract amount will be \$3,833,948. The firm is experienced in this type of work, as they constructed the City of Stockton's Training Facility and Fire Stations.

BUDGET: The project budget totals \$6,908,981. This budget includes estimated land costs, soft costs, construction costs, site clean up costs, and contingencies.

APPROPRIATIONS:

Remaining Fire Bond Funds Appropriated to project	\$1,443,954
Recommended Appropriations (from Fund 213 to project PWC8557)	<u>\$5,465,027</u>
Total Project Budget	\$6,908,981

ENVIRONMENTAL REVIEW: A Mitigated Negative Declaration and Mitigation Monitoring Plan was previously prepared, circulated, and adopted for this project in conjunction with the finding regarding height increase and approved by City Council on February 24, 2009.

DESIGN CONSULTANT: WLC Architects

SPENDING LIMIT IMPACT (ARTICLE XIII B): None

ENCLOSURES: Fire Department Tactical Training Center site and floor plans with elevations from the construction plans and specifications

RECOMMENDATIONS:

1. Approve Plans and Specifications for the new Fire Department Tactical Training Center, City Project No. 8557 (PWC)
2. Appropriate \$5,465,027 in Fire Safety Bond funds from Fund 213 to PWC 8557.
3. Award a contract for the construction for the new Fire Department Tactical Training Center, City Project No. 8557 (PWC), to Diede Construction, Inc., in the amount of \$3,833,948; and authorize the City Manager, or designee, to execute the contract.

***2.5 APPRAISAL CONTRACT SERVICES AGREEMENT AMENDMENT WITH HULBERG AND ASSOCIATES—MISSION/WARREN/TRUCK- RAIL PROGRAM**
Appraisal Contract Services Agreement Amendment with Hulberg and Associates—Mission/Warren/Truck- Rail Program

Contact Person:

Name:	Randy Sabado	Jim Pierson
Title:	Real Property Manager	Director
Dept.:	Community Development	Transportation & Operations
Phone:	510-494-4715	510-494-4722
E-Mail:	rsabado@fremont.gov	jpierson@fremont.gov

Executive Summary: The purpose of this report is to request that the City Council authorize the City Manager or his designee to execute Amendment #1 in the amount of \$75,000 with Hulberg and Associates, Inc., for the appraisal of properties needed for the Mission/Warren/Truck-Rail Program. This would bring the total amount of the not to exceed contract to \$150,000.

BACKGROUND: The Warren Avenue Grade Separation Project will lower Warren Avenue under two Union Pacific Railroad tracks between Kato Road and Warm Springs Boulevard immediately adjacent to, and south of Mission Boulevard. The eastern UPRR track is now owned by the Santa Clara Valley Transportation Authority (VTA) and the corridor will be used for the future Silicon Valley BART extension. The Warren Avenue Grade Separation Project is known as Phase 2 of the Mission Boulevard/Warren Avenue/ I-880 Interchange Project (the “Interchange Project”).

Construction is nearly complete on Phase 1A of the Interchange Project, which includes the widening of I-880 and all of the interchange ramps at Mission Boulevard and at Warren Avenue. The remaining phases of work are currently in final design. Phase 1B includes the widening of Mission Boulevard and replacement of the ramps to and from Kato Road, and Phase 2 is the Warren Avenue Grade Separation that will lower Warren Avenue below the Union Pacific Railroad (UPRR) and future BART to San Jose tracks. Finally, the Santa Clara Valley Transportation Authority (VTA), owns the eastern-most UPRR track and bridge, and is planning to construct the BART extension to Santa Clara County through the interchange area using the eastern UPRR corridor. To do this, VTA must reconfigure UPRR’s freight tracks in the interchange area and modify a privately operated Truck-to-Rail transfer facility located between the two sets of UPRR tracks just south of Warren Avenue. Together, these three final elements of the I-880/Interchange Project are known as the Mission/Warren/Truck-Rail or “MWT” Program.

All three remaining elements of the MWT Program require coordination with UPRR regarding modifications of the two sets of UPRR tracks that traverse all three elements. Therefore, these three elements must be constructed as a single program of projects. Staffs from the City, VTA, Alameda County Transportation Authority (ACTA) and Caltrans determined that having VTA be the lead agency for the MWT program is the most efficient way to construct the three related projects. In July 2007, the staffs entered into a Memorandum of Understanding that documents the staff’s collective understanding at the time of how the remaining three elements of the Interchange Project would be funded and implemented, based on the current cost estimates provided by VTA, and the available funding. In June 2007, the City executed a final design agreement with VTA and ACTA. The agreement calls for VTA to

be the lead agency to manage the design and construction of the three remaining elements. The agreement calls for the City to appraise all impacted UPRR and Warren Avenue parcels and take the lead in right-of-way acquisition for the City's Warren Avenue Grade Separation Project (PWC8074). Funding for the overall Program is shared by all parties, and also relies upon State and federal grants as well as \$42.35 million of State funds that could become available from the sale of excess land in the State Route 84 corridor, assuming the East-West Connector Project is approved following completion of the EIR.

Discussion: VTA will be the project manager of the MWT Program and manage the final design, right-of-way acquisition, utility relocation, and construction efforts. As a result of the MOU and cost sharing agreements, the City will take the lead in the right-of-way acquisition for the City's Warren Grade Separation Project (Phase 2). Any funds expended by Fremont staff on the entire program will be reimbursed from the Project budget or deducted from Fremont's share of the Project funding. The City's share of the remaining phases of the Mission/Warren/I-880 Interchange Project is \$23.6 million. The City's share is made up of approximately \$14 million of RDA funds appropriated for Phases 1B and the Warren Grade Separation Project, with the remainder coming from savings realized on the City's contribution to Phase 1A.

On March 24, 2009, the Council approved the execution of Amendment #2 to the Cooperative Funding Agreement between ACTA, the City, and VTA for the Final Design Phase of the Mission Boulevard (Route 262) Warren Avenue/Freight Railroad Relocation Program, increasing the final design cost to \$13,410,000 and the City's funding commitment to \$5,507,500. The final design budget prepared by VTA includes the cost to complete the property appraisal activities.

In order to complete the appraisals, staff requested proposals from several qualified State-licensed appraisers. The firm of Hulberg and Associates was selected in 2007 based upon their qualifications in completing complex appraisals involving railroad properties. A Contract Services Agreement for appraisal services was executed in an amount not to exceed \$75,000. The appraisals were completed with the expectation that offers were going to be made in 2008. However, due to design changes, additional property acquisitions and issues related to funding and interagency agreements, the appraisals must be updated before offers can be made. The new appraisals will be completed for a cost not to exceed \$75,000.

The acquisition of the property and relocation of tenants were not included in the final design budget. A Cost Share Agreement between ACTA, the City and VTA covering the right of way acquisitions for the Program is scheduled for Council approval in April or early May. The City's acquisition effort will either be credited to the City as part of its financial contribution to the remaining elements of the project or billed to VTA and reimbursed from the Program budget. Prior to making any acquisition offers, staff will return to the Council for authorization.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager, or his designee, to approve and execute a Contract Amendment for \$75,000, for a total amount of the contract not to exceed \$150,000, with Hulberg and Associates, Inc., for services related to the MWT Program.

***2.6 ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY MEDI-CAL ADMINISTRATIVE ACTIVITIES MOU**
Authorize the City Manager to Execute a Memorandum of Understanding with the Alameda County Health Care Services Agency for Fremont Human Services FY 2008/09 Medi-Cal Administrative Activities

Contact Person:

Name:	Arquimides Caldera	Suzanne Shenfil
Title:	Deputy Director	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2056	510-574-2051
E-Mail:	acaldera@fremont.gov	sshensif@fremont.gov

Executive Summary: The purpose of this report is to authorize the City Manager to sign a Memorandum of Understanding (MOU) with the Alameda County Health Care Services Agency (HCSA) to enable the City to receive reimbursement of funds through Alameda County's Medi-Cal Administrative Activities (MAA) program for eligible activities carried out by Human Services staff.

BACKGROUND: The Medi-Cal Administrative Activities (MAA) program is a Medi-Cal reimbursement program administered by the Alameda County Health Care Services Agency (HCSA). MAA is funded by Medicaid Title XIX through the federal Centers for Medicare and Medicaid Services (CMS). Funding flows through the California Department of Health Services (DHS), then through the County to the City. The MAA program offers a way for service providers to obtain federal reimbursement for the cost of certain administrative activities necessary for the proper and efficient administration of the Medi-Cal program. MAA revenues are an important component of the Human Services Department's strategy to identify outside revenue sources to offset program costs.

Human Services Programs Eligible for MAA Reimbursement: City staff analyzed the MAA regulations and determined that many of the administrative activities carried out in support of City programs, such as Family Case Management, Youth and Family Counseling, the Afghan Health Promoter Project and the Multipurpose Senior Services Program (MSSP), among others, are eligible for reimbursement under MAA.

Claiming Plan: In order to receive reimbursement, City staff completed five claiming plans that describe the Medi-Cal Administrative Activities to be carried out, the staff for whom claiming would be done, and the methodology for determining costs. The Afghan Elderly Association (AEA), the City's partner in the Health Promoter Project, was included in one of these plans. Depending on the qualifications of the staff carrying out eligible administrative activities, MAA reimburses eligible agencies either 50% or 75% of the cost of performing the activity. The City's claiming plans were approved by DHS in October 2008. Eligible MAA activities include the following:

1. Outreach to Medi-Cal eligible people for the purpose of bringing them into Medi-Cal services, as well as potentially eligible Medi-Cal clients for the purpose of determining their Medi-Cal eligibility.
2. Facilitating the completion of Medi-Cal applications.

3. Non-emergency, non-medical transportation of Medi-Cal eligible individuals to Medi-Cal covered services.
4. Administering contracts for Medi-Cal services and administrative activities.
5. Program planning and policy development with the goal of increasing the Medi-Cal system's capacity.

Time Study and Reimbursement: In September and October 2008, Human Services and AEA staff completed time studies to determine the percentage of staff time spent on reimbursable administrative activities. Once FY 2008/09 closes, HCSA and City staff will use the time study and actual FY 2008/09 expenses to calculate the reimbursement for time spent on eligible administrative activities during the fiscal year. HCSA will then submit the request for reimbursement to DHS. Staff expects a response to the reimbursement request in December 2009.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or his designee to execute a Memorandum of Understanding with the Alameda County Health Care Services Agency, to enable the City's Human Services Department to receive FY 2008/09 reimbursement of funds through Alameda County's Medi-Cal Administrative Activities Program.

***2.7 RIGHT-OF-WAY ACQUISITION AND UTILITY RELOCATION AGREEMENT FOR I-880/MISSION BOULEVARD INTERCHANGE PROJECT COMPLETION**
Approval of a Cost Sharing Agreement with the Santa Clara Valley Transportation Authority (VTA) and the Alameda County Transportation Authority (ACTA) for Right-of-Way Acquisition and Utility Relocation for the I-880/Mission Boulevard Interchange Project Completion Phases

Contact Person:

Name: Jim Pierson
Title: Director
Dept.: Transportation & Operations
Phone: 510-494-4722
E-Mail: jpierson@fremont.gov

Executive Summary: The completion phase of the I-880/Mission Boulevard Interchange Project includes Mission Boulevard widening and ramps to Kato Road, the Warren Avenue grade separation, and reconstruction of the truck-to-rail transfer facility south of Warren Avenue. Together, these three projects are now known as the Mission/Warren/Truck-Rail (MWT) Program.

VTA recently completed 95% of the final design of the MWT Program. To remain on schedule, VTA now needs to begin the right-of-way acquisition and utility relocation phases. The subject Agreement describes the responsibilities and funding contributions of VTA, ACTA and the City for the right-of-way acquisition and utility relocations required for the MWT Program. As the lead agency, VTA will have overall responsibility for coordinating all right-of-way acquisition and utility relocation efforts. The City will support VTA with portions of the right-of-way acquisition and be reimbursed or credited for all costs associated with this effort.

The Agreement commits the City to fund up to \$10,313,476 for right-of-way and utility relocation for the MWT Program. Caltrans, through ACTA, will provide \$2.3 million. VTA staff has previously received approval from its Board to contribute \$8.2 million to this effort. However, it now appears that VTA's contribution should be approximately \$11.2 million. In order to keep the right-of-way acquisition and utility relocation efforts on schedule, the Agreement calls for VTA to contribute the \$8.2 million that was previously authorized. In June, VTA staff will request its Board increase their commitment to approximately \$11.2 million. The Agreement will then be amended.

Staff is recommending the Council authorize the City Manager or his designee to enter into a Right-of-Way Acquisition and Utility Relocation Agreement with ACTA and VTA for the MWT Program as described herein and further authorize the City Manager or designee to execute a future amendment to the Agreement increasing VTA's share of the funding.

BACKGROUND: Construction is nearly complete on Phase 1A of the I-880/Mission Boulevard (State Route 262) Interchange Project, which includes the widening of I-880 and all of the interchange ramps at Mission Boulevard and at Warren Avenue. The remaining phases of work are currently in final design. Phase 1B includes the widening of Mission Boulevard and replacement of the ramps to and from Kato Road, and Phase 2 is the Warren Avenue Grade Separation that will lower Warren Avenue below

the Union Pacific Railroad (UPRR) and future BART to San Jose tracks. Finally, the Santa Clara Valley Transportation Authority (VTA), which owns the eastern-most UPRR track and bridge, is planning to construct the BART extension to Santa Clara County through the interchange area using the eastern UPRR corridor. To do this, VTA must reconfigure UPRR's freight tracks in the interchange area and modify a privately operated Truck-to-Rail Transfer facility located between the two sets of UPRR tracks just south of Warren Avenue. Together, these three final elements of the I-880/Interchange Completion are known as the Mission/Warren/Truck-Rail (MWT) Program.

Final design has now progressed to the point that right-of-way (R/W) acquisition and utility relocation can begin. To meet the current project schedule, utility relocation and R/W certification must be completed by this fall to allow for the construction contract to be advertised shortly thereafter.

In January 1999, the City entered into a Funding Agreement with ACTA to provide its share of funding for the I-880/Mission Boulevard Interchange Project. The Agreement was subsequently amended three times. The first two amendments dealt with changes in the project cost and funding and also split the project into three phases, 1A, 1B and 2, as described above. After several years of delay to Phases 1B and 2 trying to get agreement with UPRR, VTA's BART extension project had progressed to the point that it became clear that VTA's BART extension project should be coordinated with Phases 1B and 2 of the interchange project and that VTA should take over for ACTA as the lead agency for the MWT Program. Amendment #3 to the ACTA/City Funding Agreement allowed the City to utilize the funding previously committed to ACTA for Phases 1B and 2 for the MWT Program work that VTA will now undertake.

In November 2008, the City, VTA and Caltrans executed a Project Baseline Agreement for the Warren Avenue Grade Separation portion of the MWT Program. The Baseline Agreement was required as part of a \$9.6 million State Grade Separation Grant awarded to the City for Warren Avenue. In the Baseline Agreement, the City committed to provide \$9,954,476 for R/W acquisition and utility relocation for the Warren Avenue Grade Separation Project. This funding is part of the current project budget (PWC 8074) with all City funding coming from Redevelopment funds that were previously appropriated to the project.

Discussion: Staffs from ACTA, VTA, Caltrans and the City have entered into a Memorandum of Understanding to document the roles, responsibilities, costs and funding for the MWT Program. The MOU is consistent with all prior funding agreements for the Program and calls for the City to contribute \$23.659 million to the MWT Program. This funding is made up of \$14 million of Redevelopment funds previously committed to Phases 1B and 2 of the I-880/Mission Interchange, and \$9.659 million of City savings from Phase 1A of the Interchange. In addition, the City has committed \$5 million from the Bridge Benefit District account (Fund 188) as the City's future construction contingency should project costs increase. Although the MWT Program is fully funded, VTA and Fremont are the only two agencies with funding currently available for R/W acquisition and utility relocation, with the exception of \$2.3 million of Caltrans utility cost savings from Phase 1A. All other funding to be contributed by Caltrans and ACTA are future state funds that will be used for construction. The major portion of this future funding is dependent upon the East-West Connector Project moving forward, allowing \$42.35 million in Route 84 excess land sale proceeds to be allocated to the MWT Program.

To move forward with the R/W acquisition and utility relocation work, the City needs to enter into a funding agreement with VTA and ACTA to document each party's responsibility and funding commitment. The Agreement calls for the City to contribute up to \$9,954,476 for right-of-way acquisition and utility relocation costs associated with the Warren Avenue Grade Separation, as called for in the prior Baseline Grant Agreement with VTA and the State. Of this amount, the City has already expended \$425,000 for the acquisition and relocation expenses associated with the Weaver property that was approved for acquisition by the Council last year. In addition, the Agreement calls for the City to contribute up to \$359,000 toward the right-of-way acquisition for the Mission Boulevard widening portion of the Program. The Agreement also states that if the cost of the right-of-way and utility relocation for Warren Avenue is less than the current estimate, the City's remaining funding from Warren Avenue can be used for additional right-of-way acquisition or utility relocation costs for the Mission Boulevard widening portion of the Program. However, in no case will the City's contribution exceed \$10,313,476 (\$9,954,476 + \$359,000) without a written amendment to the Agreement.

The Agreement calls for Caltrans, through ACTA, to contribute \$2.3 million to the utility relocation of the Mission Boulevard widening portion. VTA staff has previously received approval from its Board to contribute \$8.2 million to this effort. However, it now appears that VTA's contribution should be approximately \$11.2 million. In order to keep the right-of-way acquisition and utility relocation efforts on schedule, the Agreement calls for VTA to contribute the \$8.2 million that was previously authorized. In June, VTA staff will request its Board increase their commitment to approximately \$11.2 million. The Agreement will then be amended. Staff is requesting the Council authorize the City Manager to approve the amendment increasing VTA's contribution to the project. Any amounts committed by any party, but not expended on right-of-way or utilities, will be made available for the future construction costs of the Program.

The Agreement calls for VTA to be responsible for managing the overall R/W acquisition effort, but Fremont will assist VTA. Fremont Real Property staff will be the lead on most of the R/W acquisition for the Warren Avenue Grade Separation and Mission Boulevard Widening components. VTA will lead the property acquisition efforts with UPRR for all Program components. All Fremont costs, including staff, consultants and legal costs, will be billed to VTA and reimbursed from the Program budget or credited against the City's funding contribution.

VTA will manage all aspects of the utility relocation efforts. The City will issue letters to all affected utility companies with facilities located within the City's Warren Avenue right-of-way directing them to relocate.

The MWT Program is one of the highest priority transportation projects for the City. It not only will reduce congestion and delays on Mission Boulevard and Warren Avenue, it will provide better access from Mission Boulevard to NUMMI and other employers in the area, eliminate train horns at Warren Avenue, and facilitate the extension of BART into Santa Clara County. Based on the future funding anticipated to be received, the MWT Program is fully funded. To keep the Program on schedule, right-of-way acquisition and utility relocation need to begin immediately.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or his designee to execute a Right-of-Way Acquisition and Utility Relocation Cost Sharing Agreement with VTA and ACTA for the MWT Program as described herein, and further authorize the City Manager or designee to amend the Agreement in the future to increase VTA's share of the funding.

***2.8 FOREIGN TRADE ZONE**

Informational Report on Foreign Trade Zone and Subzone Program and Benefits

Contact Person:

Name:	Angela Tsui	Daren Fields
Title:	Coordinator	Director
Dept.:	Economic Development	Economic Development
Phone:	510-284-4020	510-284-4020
E-Mail:	atsui@fremont.gov	dfields@fremont.gov

Executive Summary: On March 3, 2009, staff recommended to Council a number of measures as part of a Local Business Stimulus Package designed to help existing Fremont companies and provide incentives to continue to attract new businesses to Fremont. This informational report is a follow-up to the initial Council discussion on the possibility of creating a Foreign Trade Zone or Subzones in Fremont. Although Foreign Trade Zones are limited in their appeal or use, staff is recommending marketing the program and potentially setting aside a small budget to cover the application process for one interested company per year.

BACKGROUND: A Foreign Trade Zone (FTZ) is an economic development tool created through federal legislation to promote participation of United States companies in trade and commerce by eliminating or reducing the unintended costs or obstacles associated with United States trade law. The U.S. government established these special areas as a way to compete with overseas manufacturing.

FTZs are special zones considered to be located “in foreign commerce,” and are legally outside the customs territory of the United States. A majority of FTZs are large warehouses or port facilities and are not actual geographic areas due to security requirements. A company can import certain types of merchandise into a FTZ without going through formal Customs entry procedures or paying import duties. FTZs also allow businesses to defer formal Customs entry on foreign items, subject to their being reported to Customs and remaining within designated Zone sites.

Zones are intended to provide a special Customs-related service to the business community, thereby giving them greater flexibility in the Customs phase of their international processing. An objective of the zone program is to encourage commercial and industrial operations in the U.S. that would otherwise have been conducted abroad for Customs reasons. Zones are also intended to create new employment in a community, not simply divert it from one region of the U.S. to another.

For practical purposes, there are two types of FTZs – General Purpose Zones and Special Purpose Subzones. A General Purpose Foreign Trade Zone is a designated site for multiple users. Usually these are large warehouse buildings that accommodate storage, distribution, manipulation, and repackaging. The Foreign Trade Zones Board generally does not allow manufacturing within a General Purpose Zone. Zones can be authorized only for sites that are in or near U.S. Customs ports of entry.

A Foreign Trade Subzone/Special Purpose Subzone is for a single user. Manufacturing authority is allowed only at Subzone locations; therefore, when it is possible for a firm to use zone procedures only at its own plant, designation as a special purpose Subzone can be considered. Subzones can be approved

only when a public benefit resulting in a positive economic effect is demonstrated. These facilities need not be in Customs port of entry areas if the firm involved signs an agreement with the U.S. Customs Service regarding examination of merchandise and automated inventory control procedures. Typically, large manufacturers apply for Subzone status to gain similar benefits, such as what New United Motors Manufacturing, Inc. (NUMMI) in Fremont previously did in 1984. Subzones account for approximately three-fourths of activity in Foreign Trade Zones nationwide.

FTZs allow companies to combine cheaper imported components and raw materials, through manufacturing or assembly operations, with U.S. labor and distribution services. Operating in a foreign trade zone can save a company money because goods within a FTZ are not subject to import duties until they leave the zone and enter domestic commerce. If they are exported directly from the zone and never enter domestic commerce, they are not subject to import duties at all. In addition, importers that use FTZs can choose to pay duties on either imported parts and materials or on the finished product that leaves the zone, whichever is less. Finally, zone users are exempt from paying duties on labor, overhead and profits for foreign merchandise that leaves the FTZ.

Once merchandise has moved into a FTZ, the company can display or re-package the goods, and repair or destroy damaged ones. The company can assemble component parts into finished products and re-export either the parts or finished products. Some of the benefits in being able to do all this inside a FTZ include deferment of paying duties. More often, the company pays lower costs, not just to the Customs Office, but to its bank, insurance company, and other vendors (for further explanation, see Benefits section below).

Application Process: General-purpose zone sites must be located within 60 miles or 90 minutes driving time of the outer limits of the Customs port of entry. The nearest U.S. Customs Border Protection (CBP) ports of entry are located in San Francisco and San Jose. Existing Northern California Foreign Trade Zones based on these CBP ports are Oakland, Sacramento, San Francisco, San Jose, and Stockton. Additional zone projects may be approved if it can be shown that the existing projects do not adequately serve the public interest.

The nearest existing FTZ is FTZ No. 18, established by San Jose in 1974. As the grantee, the City of San Jose is responsible for administering the Foreign Trade Zone in Santa Clara, Monterey, San Benito and Santa Cruz counties, and the southern part of Alameda and San Mateo counties. The City of San Jose contracts with San Jose Distribution Services, a private warehouse and logistics company, to operate the General Purpose Foreign Trade Zone, located at 2055 South Seventh Street, in San Jose's Monterey Corridor industrial area.

All applications for foreign trade zones and subzones are submitted to the Foreign Trade Zones Board staff within the Import Administration of the Department of Commerce through the local grantee. The application submitted to the Board must provide extensive information on the proposed zone project, including the purpose of the project, legal descriptions, public interest explanations, and itemization/description of imported goods.

An examiner from the Foreign Trade Zones Board staff reviews and evaluates each individual application to ensure that the application meets statutory and regulatory requirements, including whether or not the proposal is in the public interest. The average processing time for a new general-purpose zone

or subzone application is one year, but can be expedited and processed within 6-8 months. Economic and financial viability are among the factors considered by the Board. Applications should not be submitted until there is convincing evidence of a need for zone services. Though a zone will normally help attract some types of new business activity, an application cannot be based on speculation alone. Letters of intent from companies that are expected to be the first zone users are considered favorably as part of the application review.

The application fees are as follows:

- \$3,200 for additional general-purpose zone applications within a CBP port of entry.
- \$4,000 to \$6,500 for subzone applications.
- \$1,600 for the expansion of an existing foreign trade zone.

Benefits: Inside foreign trade zones, many companies are able to achieve significant savings in order to effectively compete with manufacturing plants located overseas. Exactly how much a company can save by operating in a FTZ depends on a number of different factors. Some of the most likely benefits are:

- **Inverted Tariff Benefits** – In many instances, duty rates are higher for component parts than the rates charged on the final assembled product. For example, an individual imported component may require a duty rate of 8%, while a finished machine that included the component may be charged at only a 3% duty rate.
- **Improved Cash Flow** – By delaying tax and customs duty payments, a company can use cash for other needs. Goods enjoy a dutyfree status until they enter the customs territory of the United States. Goods may also be transferred to or from other ports of arrival in the U.S. to a foreign trade zone under approved U.S. Customs procedures without a Formal Customs Entry or incurring duty charges. Imported merchandise can be re-exported without paying duty charges.
- **Lower Inventory Costs** – When companies pay taxes and insurance premiums on inventory imported from abroad, the value of inventory normally includes any duties, taxes and brokerage fees. Those costs are lowered for an inventory maintained in a FTZ because no duty is charged until the goods enter the U.S. Customs territory.
- **Security and Quality Assurance** – The U.S. Customs Service requires extra security measures for FTZs, so they are normally more secure than areas immediately around them. With stricter security and because federal penalties are assessed for taking goods out of a FTZ without authorization, there is usually less theft from a FTZ. Some insurance companies charge lower premiums on goods stored in a FTZ.
- **Distribution Savings** – Freight carriers usually charge by weight or size and in many instances, partially disassembling an item enables a shipper to fit more items into a container. When a company ships parts in bulk for assembly in a FTZ, it can often lower its per unit transportation costs.
- **Other Benefits** – Imported goods subject to quota limits can be held in a FTZ until the quota reopens. Scrap or waste materials may be recycled and the amount of duty paid is lowered by the value of the scrapped goods. Companies can also elect to freeze duty rates at the rates in effect when the goods enter the zone. This is valuable when duty rates are scheduled to increase or when a manufactured product's duty rate is higher than that of its components. Companies can also elect to pay the rate in effect when the merchandise leaves the zone. This produces savings when duty rates are scheduled to decrease.

Example of Savings: Before a company applies for status as a special purpose subzone, it must assess its business model to determine how much it can realistically expect to save.

To operate in a FTZ, a company needs to meet certain government prerequisites. Most of these deal with how the goods inside the zone are secured and a company's system for controlling inventory. The extra security and inventory control measures are likely to raise some costs. Also, items involving intellectual property require additional certifications, which can also add cost and complexity to the process.

An example of a situation where the potential savings could offset the additional costs is for a company that imports \$10 million worth of goods annually. Operating in a FTZ, this company could potentially save \$315,000 by eliminating and/or deferring duty and inventory taxes. However, the approximate cost of operating in a zone can reach upwards to \$120,000 with expenses, including zone fees, security, and administrative work to track inventory, handle paperwork and weekly form submittals. The net benefit in this example would be \$195,000.

Conclusion: While a FTZ is a valuable tool, it can only be used by a limited number of companies with high import volumes. Fremont is home to many large companies engaged in manufacturing and import/export, but NUMMI is currently the only Fremont business with Subzone status as part of FTZ No. 18, San Jose (administered by the City of San Jose). However, NUMMI deactivated its use in 2000. Former Fremont-located companies Hewlett-Packard and Cirrus Logic received Subzone approval in 1998, but neither company activated their use. There are currently no active Subzones operating in FTZ No. 18. The City of San Jose had worked with Space Systems Loral on their approved Subzone application in 2005, and the company is now working with the Department of Homeland Security to activate their Subzone designation for sites in Palo Alto, Menlo Park, and Mountain View.

Even with its limited use, staff believes it is worthwhile to market this program to local Fremont companies importing a high volume of goods for assembly, as well as promoting it as an incentive to manufacturing or assembly companies looking to locate operations in Fremont.

ENCLOSURE: None

RECOMMENDATIONS: No recommendation; however, staff will begin to strategically promote the benefits of Foreign Trade Subzones to eligible businesses and, as a pilot program, over the next two years the Office of Economic Development will reserve funds in its annual operating budget to cover the Subzone application fee (up to \$6,500 per year) for one business per year as an incentive for eligible companies to explore becoming a Foreign Trade Subzone.

***2.9 CONTRACT AWARD – PHASE 3 ROOFING OF SEVEN STRUCTURES IN CENTRAL PARK**

Approval of Plans and Specifications and Award of Contract for Phase 3 Roofing of Seven Structures in Central Park Building Structures, City Project No. PWC 8393

Contact Person:

Name:	Ronnie Fong, P.E.	Rob Kalkbrenner
Title:	Senior Civil Engineer	Civic Facilities Manager
Dept.:	Community Development	Community Development
Phone:	510-494-4778	510-494-4428
E-Mail:	rfong@fremont.gov	rkalkbrenner@fremont.gov

Executive Summary: The purpose of this agenda report is to recommend the City Council approve plans and specifications and award a \$117,399.20 contract to DuBois Roofing, Inc., to install maintenance replacement roofing at seven locations in Central Park. The existing wood shake roofs contain asbestos, are at the end of their maintenance cycle life having served over 20 years, and will be replaced by roof shingles that are considered environmentally friendly with a 40-year life.

BACKGROUND: The City Council in the adopted Capital Improvement Plan appropriated funds for maintaining the building facilities of the city. The building maintenance program provides for keeping the City's facilities (currently over 900,000 square feet of building space) in reasonable working order by doing periodic repairs and replacements as building components wear or age out. Building components that wear or age out are items such as mechanical HVAC units, painting, carpeting, and roofs. This maintenance program extends the useful life of facilities so they can continue to provide safe and healthy places for people to use. Roofs are a vital component of the building envelope since roofs keep the interiors of buildings dry for use, provide shade, architectural interest, and protect the integrity of the building structural supports.

The current CIP maintenance plan contemplated re-roofing 15 facilities in this CIP cycle. Two roofing projects were conducted in 2008 in Central Park retrofitting eight roofs¹. This 2009 Phase 3 roofing project in Central Park will finish seven more roofs and complete the current planned cycle of roof maintenance for Central Park.

The seven roofs total approximately 9,231 square feet of re-roofing at seven park facilities in Fremont Central Park: the Tennis Center Pro Shop, Fabbri Field Snack Bar; Boathouse Snack Bar, Teen Center Mansard Roof, Lions Area Restrooms, Kennedy Play Area Restrooms, Tennis Court Restrooms, and Nature Center Gazebo.

The existing wood shake roofs contain asbestos, are at the end of their 20 year maintenance cycle, and will be replaced by 40-year roof shingles that are considered to be environmentally friendly due to material characteristics that allow them to absorb heat more slowly and release heat more rapidly than standard colored roof shingles.

¹ In 2008, 6,445 square feet of roofing was done in Central Park at Central Park Boathouse Storage facility, Babbling Brook pumphouse, Sailway Drive Restroom, Kennedy Play Area Restroom, Babbling Brook Restroom, Soccer Complex Restroom and Central Park East Well #3 Stevenson Pumphouse.

Phase 3 Roof Replacements

Central Park Project PWC 8393

Location	Bldg #	Name	Address / GPS Coordinate	Square Feet	
				Inside	Roof
1	5511	Tennis Court Restrooms	780 Stevenson Blvd, lat=37.556774736, lon=-121.960105675	411	645
2	5510	Tennis Court Pro Shop	790 Stevenson Blvd, lat=37.5567278882, lon=-121.959950208	1,013	1,288
3	5536	Fabbri Field Snack Bar	880 Stevenson Blvd, lat=37.5549151588, lon=-121.961895372	797	1,133
4	5815	Teen Center Mansard Roof	39770 Paseo Padre Parkway lat=37.5489444444, lon=-121.968925	n/a	4500
5	5840	Lions Area Restrooms	40070 Paseo Padre Parkway lat=37.5473515167, lon=-121.965836478	413	645
6	5838	Boathouse Snack Bar	40050 Paseo Padre Parkway lat=37.5473515167, lon=-121.965836478	608	1,020
7	5740	Nature Center Gazebo	40600 Paseo Padre Parkway lat=37.5473515167, lon=-121.959489846	413	645
TOTAL SQUARE FOOT Seven Buildings				3,244	9,231

Central Park

Map showing the locations of seven buildings marked with numbered arrows 1 through 7, corresponding to the table above. The map includes various landmarks such as Lake Elizabeth, Lake Expansion, and several parking areas. A scale bar and north arrow are provided at the bottom left.

Bid Results: A request for bid was issued and 11 bids were received on March 31, 2009, as shown below.

Contractor	Bid Amount	Rank
Du Bois Roofing, Inc.	\$117,399.20	1
Cal Bay Construction, Inc.	** \$124,297.99	2
Petersen Dean Commercial, Inc. dba Petersen Dean Roofing and Solar Systems	\$126,360.00	3
Kevin Farrer Enterprises, Inc. dba Sonrise Roofing	\$135,374.00	4
Best Contracting Services, Inc.	\$148,120.00	5
Kodiak Union Roofing Services, Inc.	\$148,580.00	6
Taurus Roof Services dba Waterproofing Associates	\$155,508.00	7
IMR Contractor Corporation	** \$161,075.00	8
Andy's Roofing Co., Inc.	** \$162,597.00	9
D.L.Falk Construction, Inc.	** \$182,819.79	10
Roofing Constructors, Inc. dba Western Roofing Service	** \$186,992.00	11

**Math Corrected Bid

Engineer's Estimate \$120,000

The lowest responsible bidder, DuBois Roofing of Fremont, California, submitted a responsive bid, has previously performed similar work for the City, and all of their documents are in order.

Project Costs and Funding: There are sufficient funds available in the PWC 8393 account balance to award this project to the apparent low bidder, should Council wish to award this contract.

Contract Duration: If awarded, the contractor will perform and substantially complete the work for this contract in 60 calendar days. Staff has included in the proposed contract a liquidated damages provision of \$300 per calendar day for the contractor's failure to complete the work within the specified contract time.

Environmental Impact: This project is categorically exempt from review under the California Environmental Quality Act as maintenance of an existing facility involving no expansion of use, pursuant to Section 15301 of Title 14 California Code of Regulations.

Design Consultant: Skyline Engineering, Inc.

ENCLOSURE: None

RECOMMENDATIONS:

1. Approve the plans and specifications;
2. Award a \$117,399.20 contract for Phase 3 Roofing Central Park, City Project No. 8393 (PWC), to DuBois Roofing, Inc., and authorize the City Manager or designee to execute the agreement.

***2.10 AMENDMENT TO PATTERSON RANCH EIR SERVICE AGREEMENT
(PLN2005-00186)**

**Request for Authorization to Amend the Service Agreement with CirclePoint Consulting in
Regards to Preparation of the Environmental Impact Report for the Patterson Ranch
Development Project.**

Contact Person:

Name:	Scott Ruhland	Jill Keimach
Title:	Associate Planner	Director
Dept.:	Community Development	Community Development
Phone:	510-494-4453	510-494-4767
E-Mail:	sruhland@fremont.gov	jkeimach@fremont.gov

Executive Summary: CirclePoint Consulting is preparing the draft Environmental Impact Report (EIR) for the Patterson Ranch Development Project. Preparation is well underway and a public review draft is anticipated to be released in the next 60 days. However, due to unforeseen circumstances and additional review and analysis required for topical issues not previously budgeted, additional monies are needed to finish preparation of the draft/final EIR.

BACKGROUND: An application was submitted for a Development Agreement, General Plan Amendment and Rezoning for the 428-acre Patterson Ranch site in July, 2006. Pursuant to CEQA, the City must evaluate all environmental impacts associated with the project and because of the size and scope of the project, it was determined an EIR was required. Preparation of the Environmental Impact Report began in April 2007. However, due to a number of items not previously budgeted for, additional monies are needed to complete the draft/final EIR. The additional items include:

- Changes in the project scope made by the applicant;
- Additional traffic analysis required;
- Additional review and analysis required regarding the Water Supply Assessment;
- Additional research and analysis required regarding climate change

The additional costs associated with preparation of the draft/final EIR will be borne by the property owner, including staff charges associated with managing the project. The property owner has agreed to the additional costs.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager, or his designee, to amend the service agreement with CirclePoint to include an additional amount not-to-exceed \$125,000 to finish preparation of the Environmental Impact Report for the Patterson Ranch development project.

***2.11 AMENDMENTS TO PLACES OF ENTERTAINMENT REGULATIONS**

Introduction of an Ordinance Making Clarifying Amendments and Minor Changes to the Regulations Governing Places of Entertainment

Contact Person:

Name:	Scott Rennie	Tom Mikkelsen
Title:	Sr. Deputy City Attorney	Police Lieutenant
Dept.:	City Attorney's Office	Police Department
Phone:	510-284-4030	510-790-6800
E-Mail:	srennie@fremont.gov	tmikkelsen@fremont.gov

Executive Summary: The proposed ordinance makes minor clarifying amendments to the regulations governing places of entertainment, and modifies the audible noise standard by requiring that amplified sound not be audible more than 75 feet from the structure instead of not audible at the property line. Staff recommends the City Council adopt the amendments.

BACKGROUND: Shortly before the City Council adopted the Places of Entertainment Ordinance on January 27, 2009, staff received feedback from the business community expressing concerns with certain provisions of the ordinance. Staff developed amendments to those provisions that seemed to resolve almost all of the concerns. The sole concern not addressed was the appropriate noise standard. All of the amendments proposed by staff were consistent with and clarified the intent of the ordinance as originally drafted. Because the amendments could not be incorporated into the Places of Entertainment Ordinance without postponing its adoption, staff include the amendments as a separate enclosure to the January 27, 2009 staff report and proposed to bring back the amendments to City Council for consideration in the near future, along with other changes that staff believed appropriate, including possible modification of the noise standard.

Discussion: Most of the amendments proposed by this item were presented to the City Council on January 27, 2009 and are intended to clarify the intent of the adopted provisions. In addition to these amendments, staff proposes to clarify the authority of the chief of police to conduct criminal background checks through the Department of Justice. State law allows local officials to access criminal history information for licensing purposes provided that access is specifically authorized by the city council. Although the ordinance implicitly contemplates that the chief of police will conduct criminal background checks (see FMC section 5-14111(b)(5)), it omits expressly authorizing the chief to do so. The proposed amendment to FMC section 5-14109 (Ord. Section 4) addresses this omission.

Staff also proposes to change the noise standard. Under the current standard, amplified sound may not be audible beyond the property line after 10 p.m. This standard may be difficult for enforcement officials to enforce because the location of the property line for a given business may be difficult to ascertain in the field without research. Also, because the distance between the structure housing the business and the property line may vary from business to business, the standard may be both overbroad and under inclusive in practice. Staff therefore recommends measuring audibility from the structure housing the place of entertainment. Staff proposes that amplified sound not be audible more than 75 feet from the structure after 10 p.m. This baseline distance is similar to the noise limits imposed on vehicles by state law under Vehicle Code section 27007. This section prohibits the playing of amplified sound

that may be heard 50 feet or more from a vehicle operating on a public street. Staff proposes that the baseline be increased for places of entertainment to 75 feet to take into account that some structures may be set back from the street and from other uses. The chief of police may impose a more restrictive noise requirement if warranted by the specific circumstances, such as a more limited setback or nearby sensitive uses.

ENCLOSURE: Draft Ordinance

RECOMMENDATIONS:

1. Hold public hearing.
2. Find the project exempt from the California Environmental Quality Act under guideline 15061(b)(3) in that it can be seen with certainty it will not have a significant effect on the environment.
3. Waive full reading and introduce the enclosed draft ordinance amending Fremont Municipal Code Title V, Chapter 14 “Places of Entertainment Regulations”.
4. Adopt a motion directing staff to prepare a summary of the ordinance and the City Clerk to post and publish the summary in accordance with Government Code Section 36933(c)(1).

***2.12 ADDING VIDEO EQUIPMENT TO THE POLICE MOTORCYCLES**

Adding Video Equipment to the Police Motorcycle Fleet that is Compatible with our Existing Infrastructure

Contact Person:

Name:	Mark Riggs #1992	Frank Grgurina
Title:	Police Lieutenant/Project Manager	Captain/Patrol Division Commander
Dept.:	Police Department	Police Department
Phone:	510-790-6913	510-790-6911
E-Mail:	mriggs@fremont.gov	fgrgurina@fremont.gov

Executive Summary: In order to complete the second (and final) phase of the in-car camera system acquisition for the police department, staff request Council authority to amend the City's existing contract with International Police Technologies to provide for the acquisition of video equipment for 14 traffic motorcycles and associated equipment for two additional wireless access points at the motorcycle garage in the amount of \$139,635.55.

BACKGROUND: In-car camera equipment for law enforcement is quickly becoming an industry standard for progressive police agencies around the world. The International Association of Chiefs of Police (I.A.C.P.) conducted a worldwide study in 2003 on the impacts of in-car camera equipment on law enforcement and the communities they serve. The main results of the study indicated improved officer safety, improved agency accountability, reduced city liability, enhanced officer performance/professionalism, improved community/media perceptions, and advanced prosecution. At the direction of Chief Steckler the police department formed a committee of stakeholders to conduct research on funding sources and the current industry trends. The equipment recommended by the committee follows the current I.A.C.P. standards and recommendations.

The final phase of the in-car camera project is to outfit the fleet of police motorcycles with camera equipment. The traffic division is where the bulk (75%) of the department's vehicle code enforcement takes place. Capturing violations on video will assist with prosecutions, increase revenue, reduce traffic officers' time in court, and reduce City liability. The video files captured by our motorcycles will be managed by our existing infrastructure for the patrol fleet.

Our in-car camera vendor (International Police Technologies) developed a motorcycle video solution with our assistance. A prototype system was installed on our traffic investigator's motorcycle for the purpose of testing the equipment mounting locations, performance, and providing feedback. After several months of testing a final version of the equipment was approved by the committee.

The equipment recommended for the police motorcycles consist of several different components. The components of the vehicle recording equipment are as follows: A three position front camera, wireless audio transmitter, digital video recorder, auxiliary battery, and wireless radio/antennae. During enforcement stops officers use the equipment to record the event/violation. The files are then transferred through the existing wireless access points at the police station to the designated server. When required a DVD is produced of the video for viewing by the courts. The existing server and taped back up system is where the files are stored for 365 days which is required by law. The proposed motorcycle equipment

will work within the existing proprietary video system infrastructure. The only addition to the existing infrastructure will be to add two wireless access points to the motorcycle garage.

FINANCIAL IMPACT: The funding for this project will not have an impact on the City's general fund. The funding will come from the Vehicle Replacement Fund (\$100,000.00) and the remaining (\$39,635.55) will come out of the PD Budget FY 08/09. The total cost for this final phase is: **\$139,635.55.**

ENCLOSURE: None

RECOMMENDATION: Staff recommends the Council award the contract to the International Police Technologies and authorize the City Manager or designee to sign the contract to make this purchase using the designated funds.

5.1 APPEAL FROM DENIAL OF HAZE SMOKE SHOP CONDITIONAL USE PERMIT – 40675 GRIMMER BLVD.
Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Decision to Deny a Conditional Use Permit to Allow a Head Shop to Occupy a Vacant 2,400 Square Foot Commercial Building in the Irvington Planning Area (PLN2009-00131)

Contact Person:

Name:	Steve Kowalski	Jeff Schwob
Title:	Associate Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4532	510-494-4527
E-Mail:	skowalski@fremont.gov	jschwob@fremont.gov

Executive Summary: On December 9, 2008, the applicant applied for a Conditional Use Permit to open a head shop in a vacant commercial building located at 40675 Grimmer Boulevard in the Community Commercial (C-C) zoning district. On March 12, 2009 staff brought the item before the Planning Commission with a recommendation for approval subject to conditions. The Planning Commission heard the proposal and voted to deny the application by a vote of 6-0-1 with one Commissioner abstaining. The applicant appealed this decision on March 18, 2009, and is requesting that the City Council reverse the Planning Commission’s decision and approve the Conditional Use Permit based on the findings and subject to the conditions of approval contained in Exhibit “B”.

BACKGROUND: The subject building was constructed with the proper permits in 1977. Since that time, various retail commercial uses have occupied the property including, most recently, a thrift shop and, prior to that, a paint supply store. There is no history of planning entitlements associated with the property, as all previous tenants were land uses that were permitted by right in the C-C zoning district.

Project Description: The applicant is proposing to operate a smoke shop wherein tobacco, cigars, cigarettes, pipes and specialty gifts such as T-shirts, incense, and lava lamps will be sold. Because some of the merchandise that will be sold from the store can be used to smoke illegal narcotics as well as legal tobacco products, the business is defined as a “head shop” under Fremont Municipal Code (“FMC”) Section 8-2152. Head shops are defined as establishments engaging in the sale of merchandise which could be construed by a reasonably well-informed person as being intended for the purpose of illegally ingesting narcotics. Under Section 8-21103, head shops may only operate in the C-C zoning district subject to approval of a Conditional Use Permit.

The floor plan for the store will feature a 700 square foot enclosed showroom in which the head shop merchandise will be displayed. There are existing partitions already in place inside of the space which will accommodate the showroom, so no interior tenant improvements are proposed. Because state law restricts the sale of head shop merchandise to adults, access to the enclosed showroom will be restricted to patrons 18 years of age or older at all times. The remainder of the store will be used to sell specialty gifts that are not required by law to be restricted to adults only. Cigars, cigarettes, and other tobacco products will be kept behind the cashier’s counter in accordance with the law, and smoking will not be allowed in any area of the store at any time. A restroom for employee use only will be located within the

restricted showroom. Proposed business hours will be from 11:00 AM to 10:00 PM Monday through Saturday, and 11:00 AM to 8:00 PM on Sunday.

To improve security on the site and inside of the store, the applicant has installed new security cameras on both the front and back sides of the building, and additional surveillance cameras throughout the interior of the store to help prevent shoplifting. In addition, two new wall-mounted flood lights have been installed on the back side of the building which will operate after sunset each evening to discourage illegal activity behind the building. There is currently some graffiti on the building that the applicant will be required to remove prior to the business opening.

Project Analysis

General Plan Conformance: The General Plan land use designation for the project site is Community Commercial. This land use designation is intended to provide for retail and service uses intended to serve the everyday and specialty needs of one or several neighborhoods. In its staff report to the Planning Commission staff recommended approval of the project, finding it to be consistent with the following General Plan Land Use Goals and Policies:

- **Fundamental Land Use Goal F8** – *A diversity of residential, recreational, cultural, employment and shopping opportunities.*
- **Land Use Goal LE 3** – *A hierarchy of well-defined, vital commercial areas meeting the retail shopping, entertainment and service needs of Fremont residents.*
- **Land Use Policy LU 2.11** – *Uses serving several neighborhoods are encouraged (on land designated Community Commercial Center), including grocery stores, drug stores, liquor stores, specialty retail stores, and other sales.*

Analysis

In staff's opinion, the proposed use would be consistent with the General Plan in that it would offer retail sales of unique gift items, as well as tobacco products and smoking paraphernalia not readily found in general retail businesses such as grocery stores or "big-box" retailers. Furthermore, staff recognizes that specialty items such as hookah pipes are an important part of certain cultures in which they are used at social gatherings in much the same way as cigars and cigarettes.

Zoning Ordinance Compliance: The project site is currently zoned Community Commercial (C-C). FMC Section 8-21103(n) allows head shops within the C-C zone subject to approval of a Conditional Use Permit. In order to approve a Conditional Use Permit the City Council must make the following findings:

- (a) The proposed use is consistent with the General Plan;
- (b) The site is suitable and adequate for the proposed use;
- (c) The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services;
- (d) The proposed use would not have a substantial adverse economic effect on nearby uses;

- (e) The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large; and
- (f) The project will comply with the provisions of Article 27 of the Zoning Ordinance (Site Plan and Architectural Approval).

Discussion: In its report to the Planning Commission, staff put forth the following findings in support of the application:

- (a) General Plan Consistency: The proposal is consistent with the General Plan in that businesses engaged in the retail sale of specialty goods such as tobacco, novelty/subculture gift products and smoking paraphernalia are permitted on land designated Community Commercial in the Land Use Element of the General Plan.
- (b) Site suitability and adequacy: The site contains ample parking and is easily accessible from the adjacent commercial properties and from surrounding residential neighborhoods where patrons may travel from, and no changes need be made to the building or site in order to accommodate the proposed use.
- (c) Impact on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services: The project will not involve any physical changes to the site or the surrounding street and sidewalk improvements. The property originally was developed to house a commercial use and has been occupied by various retail businesses over the years; therefore the proposed use will not generate more traffic than the previous uses that occupied the building or impact transit services or accessibility in any way. To help deter criminal activity from occurring on the site, the applicant has installed new wall-mounted flood lights on the back side of the building and new security cameras on the interior and exterior of the building which will record footage that must be retained for a minimum of thirty days should it be needed for any criminal investigations. These security measures will result in the project not having an adverse impact on public safety services.
- (d) Economic impact on nearby uses: There are no other business establishments in the immediate vicinity that offer similar products except for some liquor stores and convenience stores that sell cigarettes and common tobacco products; therefore, there is no reason to believe the proposed project would have a negative impact on other nearby businesses.
- (e) Impact to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large: The proposed hours of operation are such that they should not adversely impact the adjoining residential properties in that they will not generate significant late-night traffic. In addition, the applicant will be required to comply with all applicable Health and Safety Codes pertaining to the sale of tobacco and tobacco-related products. The applicant also has recently installed new security cameras and lighting on the interior and exterior of the building to monitor the premises after business hours and help deter criminal activity from occurring on the property.
- (f) Compliance with Article 27 of the Zoning Ordinance: This finding is not applicable as no physical changes to the building or site are proposed. Any new signage proposed by the applicant will require approval of a separate sign permit from the City.

Proprietors of head shops must also comply with FMC Section 8-22143 which requires paraphernalia to be kept in separate display areas that are off limits to anyone under 18 years of age, and prohibits allowing minors into display rooms where such paraphernalia is kept. The applicant is aware of these

laws and his business plan features a separate display room where all head shop paraphernalia would be kept and signage that would be installed next to the entrance to the display room informing customers that no minors may enter.

Planning Commission Action: After hearing the item on March 12, 2009, the Planning Commission chose not to follow staff's recommendation and denied the application by a vote of 6-0-1 with one Commissioner abstaining. The specific findings the Commission made in denying the application were as follows:

- (b) The site is not suitable for the proposed use in that its proximity to Irvington and Kennedy High Schools and Horner Junior High School, as well as numerous fast-food restaurants regularly patronized by teens and families with children, would result in it posing an attractive nuisance to minors. In addition, the location of the parking lot behind the building with little or no visibility from the street would likely encourage illicit activity at the back of the site; and
- (e) The proposed use would be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, and the community at large in that it would function as an attractive nuisance to minors by offering paraphernalia that they may attempt to purchase and/or use to ingest illegal narcotics.

See informational item #4 showing the location of businesses, apartments and schools in relation to the proposed business.

Applicant's Grounds for Appeal: The applicant disagrees with the Planning Commission's findings and has prepared a letter explaining the grounds for his appeal (see Informational Item #3). In his opinion, there are fast food restaurants, schools, and other uses that attract minors and families with children in or very close to nearly every commercial zoning district in the City, so it would be very difficult for him to find a leasable space in a part of town where these types of uses do not exist. He also disagrees with the finding that the project site is close enough to any of the aforementioned schools to pose an attractive nuisance to schoolchildren. He maintains that the security cameras and lighting he recently had installed on the building will deter loitering and other illicit activity from occurring at the site. And, finally, he cannot understand why the sale of such merchandise as rock-and-roll T-shirts would be problematic in this area of the City, but he is willing to abstain from selling such products if the City Council also believes it will be problematic. He also points out that despite the Commission's concerns about his business, not one neighbor attended the hearing to voice concerns or oppose the application.

Summary of Staff's Analysis: Head shops are permitted uses in the City's Community Commercial District subject to a conditional use permit. The conditional use permit process allows the City to impose appropriate operational conditions on uses that could have adverse impacts. In recommending approval of conditional use permits for uses that could have an adverse impact on a neighborhood or the community at large, staff operates under the assumption, as it must, unless there is evidence to the contrary, that the applicant will comply with conditions and/or laws regulating the use, which are designed to address any impacts the project may have. If, once approved, a conditioned use violates the conditions or otherwise becomes a nuisance, then the use permit may be revoked.

The Planning Commission denied the application because it felt the business would attract minors who might attempt to purchase paraphernalia. As noted earlier, the law prohibits the sale of paraphernalia to minors. In addition, by law paraphernalia may only be kept in separate display areas that are off limits to anyone under 18 years of age. Thus the Planning Commission's concern would only materialize if the business operates unlawfully in violation of state law and the conditions of approval. No evidence was presented to the Commission that the operator did not intend or was unable to comply with the permit conditions or state law.

The Planning Commission also felt that criminal activity would likely occur in the parking lot behind the building because there is little or no visibility from the street. However, the site configuration (i.e. parking behind the building) of the proposed location for the head shop is nearly identical to the configuration of the other 10 business on the block (See informational item #4). No evidence was presented at the public hearing that any of these businesses had or is having problems with criminal activity in the rear parking lots. Likewise, no evidence was presented that criminal activity would be more likely at this particular business. Notwithstanding, staff proposed to condition the project by requiring security cameras and lighting on the back side of the building to deter any criminal activity.

In summary, while an otherwise lawful business may become a nuisance if it is not run appropriately, unless evidence is introduced at the public hearing to suggest the operator is unwilling or unable to operate lawfully, the reviewing authority must assume that the business will operate lawfully. As such, absent the submission of new evidence at the public hearing, staff recommends that the Council grant the appeal and approve the conditional use permit subject to the conditions contained in Exhibit "B."

Environmental Review: The project is exempt from the California Environmental Quality Act pursuant to Guideline 15301 (Leasing of an Existing Facility).

Public Notice and Comment: Public hearing notification is required for all appeals of decisions made by the Planning Commission. A total of 80 notices were mailed to the owners and occupants of all property located within 300 feet of the project site. The notices were mailed out on Wednesday, April 15, 2009. A Public Hearing Notice was also published in *The Tri-City Voice* on this same date.

ENCLOSURES:

- Exhibit A - Project Plans
- Exhibit B - Findings and Conditions of Approval
- Informational Items:
 1. Business Plan submitted by Applicant
 2. Site Photographs
 3. Appeal Letter submitted by Applicant
 4. Aerial Photo Exhibit and Vicinity Map showing nearby schools
 5. Project-specific Information
 6. Planning Commission Minutes

RECOMMENDATIONS:

1. Hold public hearing;
2. Find that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline 15301 which exempts projects involving the leasing of an existing facility by a use that is consistent with the current zoning and General Plan land use designation of the site; and either:
 - 3a. Grant the appeal and approve the project based on the findings and subject to the conditions of approval contained in Exhibit “B”;
 - Or
 - 3b. Deny the appeal and direct staff to prepare findings for denial and return to the Council with said findings.

5.2 REVISIONS TO DESIGN GUIDELINES AND STANDARDS AND EXTENSION OF INTERIM ORDINANCE FOR ALTERATIONS AND CONSTRUCTION OF SINGLE-FAMILY HOMES IN GLENMOOR GARDENS AND MISSION RANCH (PLN2009-00072 & PLN2009-00073)

Public Hearing (Published Notice) to Consider Extending for Eighteen Months the Interim Zoning Ordinance Adopted Pursuant to Government Code Section 65858 with the Adoption of Interim Design Guidelines and Standards for All Alterations and Construction of Single-Family Homes in Glenmoor Gardens and Mission Ranch

Contact Person:

Name:	Momo Ishijima	Jeff Schwob
Title:	Associate Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4531	510-494-4427
E-Mail:	mishijima@fremont.gov	jschwob@fremont.gov

Executive Summary: On October 7, 2008, the City Council unanimously adopted an interim urgency ordinance to prohibit applications for building permits for residential second-story additions, second-story exterior remodels and substantial reconstruction of homes, where the second-story exceeds 35% of the size of the existing home's first floor area, in the Glenmoor Gardens and Mission Ranch neighborhoods. The urgency measure was extended for a period of six months on October 28, 2008, pending the development and adoption of design guidelines for single-family homes in these neighborhoods. Staff recommends the adoption of the design guidelines and standards on an interim basis and an extension of the urgency measure for a period of eighteen months to evaluate all development proposals in these neighborhoods.

BACKGROUND: In recent years, City of Fremont residents have raised concerns regarding the increase in the number of large two-story homes in established single story single-family neighborhoods. Residents' concerns related to construction of large homes include:

- Loss of privacy, light and view
- Inconsistency with the prevailing character of the neighborhood (floor area, mass, bulk, height, architectural design)

In response to these concerns, the City Council in 2007 directed staff to prepare a draft ordinance which would provide a process for residents to request that the Planning Commission and City Council limit second-story additions in established single-story neighborhoods. The Planning Commission considered the proposed (S-S) Single Story Combining District Zoning Text Amendment in April 2008, and voted unanimously against recommending its approval to the City Council. The City Council first considered the proposed Amendment in June 2008, and directed staff to bring it back for further consideration with certain modifications. On September 23, 2008, the City Council held another public hearing on the revised Amendment. In response to the comments and ideas presented during the public hearing, the City Council voted to table introduction of the (S-S) Single Story Combining District Zoning Text Amendment. Instead, the Council directed staff to prepare design guidelines for the construction and remodeling of single-family homes in existing single-story neighborhoods to address concerns related to

neighborhood compatibility. In addition, the Council asked staff to return in the short-term with an interim zoning ordinance restricting two-story additions, new two-story residential projects, and redevelopment projects in the Glenmoor Gardens and Mission Ranch neighborhoods for a limited time so that construction of incompatible homes would not occur while the guidelines are being developed.

On October 7, 2008, the City Council unanimously adopted an interim urgency ordinance prohibiting applications for building permits for residential second-story additions, second-story exterior remodels and substantial reconstruction of homes, where the second-story exceeds 35% of the size of the existing home's first floor area, in the Glenmoor Gardens and Mission Ranch neighborhoods. In addition, the City Council directed staff to consider the following provisional design guidelines in reviewing two-story projects in these neighborhoods.

Provisional Design Guidelines

- Second floor setbacks
 - additional 5~10 feet front setback on 2nd floor
 - new second story should not be directly over the garage or front exterior wall
 - new second story should not be directly over the side exterior wall
- Horizontal design elements
 - project should reflect horizontal designs with the use of banding on the exterior
 - windows generally wider than tall
- Roof slopes and roofing material
 - generally 4:12 or match existing pitch
 - flat composition shingles/concrete tiles of similar color
 - no mission tile roofs
- Window placement
 - awareness of neighbor privacy
- Exterior wall materials
 - Avoid use of 100% stucco siding unless stucco is applied to create horizontal bands (i.e., base [wainscot] and body of building above)

Proposed Interim Design Guidelines

The proposed interim design guidelines and standards were developed during the past six months with the assistance of outside professional services. The City retained the services of an architectural historian to understand the origins of each neighborhood. The City also retained the services of an historical architect and urban conservation professional to identify the character defining features and develop design guidelines and development standards suitable for each neighborhood.

Project Description: The interim design guidelines and standards have been prepared for each neighborhood – “Design Guidelines and Standards for Alteration and Construction of Single-Family Homes in Glenmoor Gardens” (Exhibit “B”) and “Design Guidelines and Standards for Alteration and Construction of Single-Family Homes in Mission Ranch.” (Exhibit “C”)

Although the two neighborhoods were built around the same era and style, two separate documents were prepared in deference to site history and varying development standards such as home size, lot size and zoning regulations. Glenmoor Gardens is zoned (R-1-6) Single Family Residence District, minimum lot size 6,000 square feet. Mission Ranch is zoned (R-1-8) Single Family Residence District, minimum lot size 8,000 square feet. The site and development history for both developments are documented in the “Context” and “Architectural Context” chapters of the guidelines.

Analysis

Ranch House Definition: The following are characteristics often attributed to Ranch Style homes.

- A one-story house with a low-pitched, gabled, or hipped roof, with wide eaves
- A house of general asymmetry (in contrast to Colonial symmetry)
- A house with a general horizontal emphasis (in forms, or in materials emphasizing horizontality)
- An open-interior plan blending functional spaces
- A house with a designed connection to the outside (this can include a U-shaped plan that embraces a terrace patio, sliding glass doors, picture windows, a front porch, etc.)
- A house with informal or rustic materials or details (board-and-batten siding, high brick foundations, dovetails, Dutch doors, shake roof, barn door garage doors, exposed rafter beams, exposed truss ceilings, etc.) Ornamental elements can include Rustic, Spanish, French, Colonial, or other traditional styles. Or, with simpler Modern detailing, it can be a Contemporary Ranch House.
- A house whose plan is rambling and suggestive of wings or additions.¹

Design Guidelines: Each of the documents contains a section dealing with design guidelines, generally broken down into the following categories:

- Universal Guideline
- Neighborhood Setting
- Design Features to Avoid
- Scale
- Form
- Privacy and Views
- Landscape and Planting
- Roof and Roof Features
- Doors
- Garage Doors
- Windows
- Exterior Materials

Development Standards: In addition to the proposed design guidelines, new or modified development standards were created to compliment the guidelines. The following outlines some of the new standards such as roof pitch, lot coverage and height:

¹. Hess, Alan. *The Ranch House*. Harry N. Abrams (2005).

Item	Glenmoor Gardens	Mission Ranch
Maximum Roof Pitch	5 : 12	5 : 12
Minimum Roof Pitch	3 : 12	3 : 12
Maximum Floor Area	30%	30%
Minimum area of 1 st floor (footprint) for new 2-story structure	-	22%
Height 1 story structure (top of ridge)	17' – 0"	17' – 0"
Height 2 story structure (top of ridge)	-	27' – 0"
Maximum height above grade for finish floor level, 1 st story over basement	22 inches	22 inches

ISSUES:

Government Code Section 65858: Extension of the Urgency Measure (Interim Zoning Ordinance) requires a four-fifths vote of the City Council upon completion of a noticed public hearing. It is effective immediately upon adoption. The urgency measure may be extended for a maximum period of up to two years. Staff is recommending that the extension of the interim ordinance be for eighteen months, until October 6, 2010.

In order to adopt the extension of the interim ordinance, the City Council must continue to find that there is a current and immediate threat to the public health, safety, or welfare, if the ordinance is not adopted and that the approval of additional building permits without restrictions would result in that harm occurring. Permitting incompatible home designs to continue to be constructed will impair the City's ability to address community concerns related to negative neighborhood impacts, thereby adversely affecting the public health, safety and welfare.

Environmental Review: The proposed project involving adoption of design guidelines and standards for alteration and construction of single-family homes, has been reviewed under the California Environmental Quality Act (CEQA) Guidelines and has been found to be exempt from environmental review per Section 15061(b)(3)[Review for Exemption], which applies when the activity has no potential for causing a significant effect on the environment as it restricts maximum building envelope potential to a lesser level than currently allowed.

Public Hearing Notification: Approximately 2,350 public hearing notices were mailed to all properties within the boundaries of the Glenmoor Gardens and Mission Ranch neighborhoods affected by this proposal.

ENCLOSURES:

- Exhibit “A” – Draft Extension to Interim Zoning Ordinance
 1. Attachment – Glenmoor Gardens map
 2. Attachment – Mission Ranch map
- Exhibit “B” – Design Guidelines and Standards for Alteration and Construction of Single Family Homes in Glenmoor Gardens
- Exhibit “C” – Design Guidelines and Standards for Alteration and Construction of Single Family Homes in Mission Ranch
- Informational Item: Ordinance No. 19-2008 adopted by City Council on October 28, 2008

RECOMMENDATIONS:

1. Hold public hearing.
2. Find the project is exempt from the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment under CEQA Guideline 15061(b)(3).
3. Find the current and immediate threat to the public health, safety, or welfare if the ordinance is not adopted and that the approval of additional building permits without restrictions would result in incompatible homes to continue to be constructed and impair the City’s ability to address community concerns related to negative neighborhood impacts.
4. Waive full reading and adopt an ordinance extending the interim zoning to October 6, 2010.
5. Approve interim design guidelines and standards (as set forth in Exhibits B & C) for all alterations and construction of single-family homes in Glenmoor Gardens and Mission Ranch to as identified in Attachments 1 and 2 respectively.

6.1 Report Out from Closed Session of Any Final Action

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS	California Public Employees' Retirement System	MTC	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD	Community Development Department	NLC	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG	Compressed Natural Gas	PWC	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC	California State Association of Counties	RFQ	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP	Regional Occupational Program
DEIR	Draft Environmental Impact Report	RRIDRO	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR	Environmental Impact Report (CEQA)	TCRDF	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA	Federal Emergency Management Agency	USD	Union Sanitary District
FFD	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC	Fremont Municipal Code	WMA	Waste Management Authority
FPD	Fremont Police Department	ZTA	Zoning Text Amendment
FRC	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
May 4, 2009 (Monday)	4:00 p.m.	Joint City Council/FUSD Mtg.	Council Chambers	Live
May 4, 2009 (Monday)	6:00 p.m.	Special Council Work Session	Council Chambers	Live
May 5, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 12, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 19, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 26, 2009	6:00 p.m.	Special Council Work Session	Council Chambers	Live
June 2, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 9, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 16, 2009	TBD	Work Session	Council Chambers	Live
June 23, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 30, 2009 (5 th Tuesday)		No Meeting		
July 7, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 14, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 21, 2009	TBD	Work Session	Council Chambers	Live
July 28, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
August		Council Recess		